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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,332	11/18/2003	Jong Peter Park		5216

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JONG PETER PARK
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LOS ANGELES, CA 90017

EXAMINER

VAN, QUANG T

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,332

Applicant(s)

PARK, JONG PETER

Examiner

Quang T Van

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/24/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “20” has been used to designate both “body wall 20” recited in figure 1 and “top face 20” recited in figure 3. Also, reference character “16” has been used to designate both “handle 16” recited in figure 1 and “central zone 16” recited in figure 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: “15”, recited in figure 3, is not mentioned in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The

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replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because it is more than 150 words and the legal phraseology such as "comprises" or "comprising" often used in patent claims should be avoided in the abstract. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claims 1-9 are objected to because of the following informalities: "the said heating element" recited in claim 1, lines 10-11 should be changed to "said heating element" for consistency in the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumi et al (US 3,941,967) cited by applicant, in view of Yamada et al (US 5,107,087). Sumi discloses a microwave cooking apparatus comprising a vessel (3) having bottom surface, a body wall, and an open region, wherein the open region extends upwardly from the bottom surface to terminate at the peripheral flange (figure 3); a heating element (2) adapted to convert microwave radiation into thermal energy (col. 5, lines 13-16), wherein the top face of said heating element (2) is attached to the outer bottom surface of said vessel (3) so as to distribute heat along the bottom of said vessel; a cover (7) having dome-shape and comprising a handle (13) for engaging and disengaging said cover onto said vessel (3) , said cover (7) having a plurality of apertures which provides a pathway for heated air and moisture (col. 6, lines 29-32), and an annular flange which sits above of the peripheral flange of said vessel when said cover is engaged to said vessel (col.7, lines 8-10), wherein said cover is composed primarily of microwave radiation reflecting material (col. 4, lines 18-20) so as to reflect microwave radiation and preserve the taste of foodstuff (4) being cooked in the microwave cooking vessel (3). However, Sumi does not disclose said heating element composed primarily of a mixture of elastic material. Yamada discloses a heating element composed primarily of a mixture of elastic material (col. 3, lines 36-43). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Sumi a heating element composed primarily of a mixture of elastic material as taught by Yamada in order to provide a heating element with a good binding agent. With regard to claim 4, the patentability of a product does not depend on

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its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). In this case, the term “said heating element is attached to the outer bottom surface of the vessel by a heat press process, said heat press process comprising the steps of applying a layer of adhesive to the outer bottom surface of the vessel, drying the vessel for about an hour in an area having a temperature about 180°C and pressing the top face of said heating element onto the outer bottom surface of said vessel at temperatures ranging between 150 to 250°C”, recited in claim 4, is considered a product-by-process claim; therefore, no patentable weight is given to the claim. With regard to claim 8, “said heating element further comprises a central heating zone and an outer heating zone, wherein the central zone has a greater concentration of ferrite particles than the outer zone. Yamada also discloses “the higher content of the ferrite particles, the higher the rising speed of temperature” recited in col. 4, lines 7-8. It would have been obvious to one having ordinary skill in the art to make a heating element with a central heating zone containing higher ferrite particles than an outer heating zone. Doing so would provide a central heating zone with a higher of the rising of temperature.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Anderson et al (US 4,266,108) discloses a microwave heating device and method. Hoh (US 2003/0183625) discloses a cooking container and microwave oven having such container.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV

September 23, 2004



Quang T Van
Primary Examiner
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